

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

RUSSELL MOLSTAD,

Charging Party,

-v-

INDIAN HEALTH BOARD OF BILLINGS,

Respondent.

Case # 0063011801

ORDER

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Russell Molstad (Molstad) filed a complaint with the Department of Labor and Industry (Department) alleging that the Indian Health Board of Billings (IHBB) discriminated and retaliated against him based on race and gender. Following an informal investigation, the Department determined that Mostad's complaint was not timely. The Department also concluded that even if the complaint was timely, a preponderance of the evidence did not support Molstad's allegations of unlawful discrimination or retaliation. The Department issued a Notice of Dismissal in regard to IHBB. Molstad filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on December 15, 2006.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Mont. Code Ann. § 49-2-509(4)(2005); Admin. R. Mont. 24.9.1714(3)*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint is not an abuse of discretion.

A party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Admin. R. Mont. 24.9.1714(7); See also Mont. Code Ann. § 2-4-702; § 49-2-509(4)*.

Alternatively, if a charging party chooses to commence a civil action, charging party has 90 days after the receipt of this order to petition a district court, in the district

where the alleged violation occurred, for the appropriate relief. *Mont. Code Ann. § 49-2-509(5) (2005); Admin. R. Mont. 24.9.1714(5)*. If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Russell Molstad's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against IHBB.

DATED this \_\_\_\_ day of December, 2006.

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Chair Ryan Rusche  
Human Rights Commission

## CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_..

RUSSELL MOLSTAD  
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Montana Human Rights Bureau